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PUBLIC LIBRARY
OF THE
CITY OF DENVER.

THE
COMMON-SCHOOL LAW

OF

THE TERRITORY OF COLORADO

[CHAPTER LXXVII, REVISED STATUTES]

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ARTICLE I SUPERINTENDENT OF PUBLIC INSTRUCTION

SECTION 1 The territorial treasurer is *ex officio* superintendent of public instruction, and shall perform all the duties which by this chapter, or any law of the territory, pertain to that office. He shall be paid annually, out of the territorial treasury, the sum of one hundred dollars in full for the performance of his duties as such superintendent of public instruction

SEC 2 The duties of the superintendent of public instruction shall be as follows. He shall file all papers, reports, and public documents transmitted to him by the school-officers of the several counties each year, separately, and hold the same in readiness to be exhibited to the governor, or to any committees of either house of the legislative assembly, and shall keep a fair record of all matters pertaining to the business of his office. He shall have a general supervision of all the district-schools of the territory, and shall see that the school-system is, as early as practicable, put into uniform operation, and shall recommend to the several school-districts an uniform series of text-books to be used in the schools thereof. He shall prepare and have printed suitable forms for all reports required by this chapter, and shall transmit the same, with such instructions in reference to the course of studies as he may judge advisable, to the several officers entrusted with their management and care. He shall make all further rules and regulations that may be necessary to carry the law into full effect, according to its spirit and intent, which shall have the same force and effect as though contained herein. He shall cause so many copies of this chapter, with the forms, regulations, and instructions herein contemplated thereunto annexed, to be from time to time printed and distributed among the several school-districts of the terri-

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tory, as he shall deem expedient. He shall make a report to the legislative assembly on the first day of each regular session thereof, exhibiting the condition of public-schools, and such other matters relating to the affairs of his office as he may think proper to communicate. He shall make an equal distribution of the school funds among the several counties, on the first Monday in March, according to the aggregate number of the days' attendance of the scholars attending the common-schools, in the several counties, as reported by the county superintendent of each county, who shall make report of the same, at least two weeks before the first Monday in March, in each year, to the superintendent of public instruction.

SEC 3 All books, maps, charts, or school-apparatus, which may be received by the superintendent of public instruction, from publishers, inventors, or manufacturers, shall be placed by him in the public library of this territory.

ARTICLE II. COUNTY SUPERINTENDENT OF SCHOOLS

SECTION 1 There shall be chosen at the first election of county officers, and biennially thereafter, in each organized county in this territory, a county superintendent of schools, who shall hold his office for two years, or until his successor is chosen and qualified.

SEC 2 Within twenty days after his election, the county superintendent of schools shall take and subscribe an oath that he will faithfully discharge the duties of his office, and he also shall execute a bond to the board of county commissioners of his county, in a penal sum to be fixed by the board of county commissioners (but in no case shall the amount of said bond be less than twice the amount of funds which may have been in the hands of the superintendent of the county at any one time during the previous year), with good and sufficient sureties, to be approved by the board of county commissioners, conditioned for the faithful performance of the duties of the superintendent, and that he will render a just and true account of all money and other property which may come into his hands or under his control, as superintendent of the schools of said county. Should he fail to qualify as above required, or if for any other reason there be a vacancy in the office, the county commissioners of the county shall appoint a suitable person, who shall qualify in like manner.

SEC 3 The duties of the county superintendent of schools shall be as follows. He shall, on the first day of December of each year, transmit to the superintendent of public instruction a report containing an abstract of the several particulars set forth in the reports of the district secretaries, together with a

statement of the financial affairs of his office, and such suggestions as he may think proper to make relative to the schools of his county. He shall keep an accurate account of the receipts and expenditures of his office, and shall render accounts-current thereof at any time when required by the superintendent of public instruction. He shall take receipts for all moneys paid out, in a book provided for that purpose, file all warrants and orders drawn on him by the respective presidents of the district-boards, and all other papers transmitted to him pertaining to the business of his office, and shall hold the same subject to the inspection of the superintendent of public instruction, or any of the school-officers of his county. He shall keep a correct account of all moneys received from the county officers, specifying the peculiar source from which the same accrued. He shall distribute to the district officers within his county, such blank forms, circulars, and other communications as may be transmitted to him for that purpose, by the superintendent of public instruction. On the first Monday in April, annually, he shall apportion the county school-tax, and all money in his hands appropriated for the support of the schools, among the several school-districts of his county, in proportion to the number of persons reported to him by the respective district secretaries, and shall record a statement thereof in his office. He shall immediately notify the president of each school-district of the amount to which his district may be entitled by said apportionment, and shall pay the same over to the district treasurer, upon the warrant of the president, countersigned by the secretary. He shall divide the county into school-districts, and may alter and change the boundaries of districts thus formed, from time to time, as the convenience of the inhabitants of the aforesaid districts may require, and shall proceed to make such change at any time when petitioned by two thirds of the legal voters of any district. He shall examine all persons offering themselves as teachers of public-schools, and if, in his opinion, such person is qualified to teach a public-school, shall give him or her a certificate, authorizing him or her to teach a public-school in his county for one year; whenever practicable, the examination of teachers shall be competitive, and the certificate shall be graded according to the qualifications of the applicant. He shall have the general superintendence of the schools in his county, and shall visit each school at least twice each term, and shall have power to dismiss all teachers he may find to be incompetent.

SEC. 4. Should he fail to make his reports required in the foregoing section, he shall forfeit the sum of twenty dollars, and suit shall be brought on his official bond for the collection of the same, with damages, by the prosecuting attorney.

SEC 5. In all cases when it shall be necessary to administer any oath or affirmation, under the provisions of this chapter, or any other law, pertaining to the duties of the county superintendent, he is hereby authorized to administer the same.

ARTICLE III SCHOOL-TAX.

SECTION 1 The county commissioners shall, at the time of levying the tax for county purposes, cause to be levied a tax for the support of schools within the county, of not less than five mills on the dollar, and not more than ten, of the assessed value of all taxable property, real and personal, within the county, which shall be collected by the county collector, at the same time and in the same manner as state and county taxes are collected, except that it shall be receivable only in cash.

SEC 2. The county treasurer shall, on the first Monday of January, of each year, pay over the amount of said tax which shall have been collected, to the county superintendent, and shall render him a statement of the amount uncollected, the amount unpaid shall be collected at any subsequent time, as delinquent county taxes are collected, and shall be paid over, when collected, to the county superintendent aforesaid. The collector shall be allowed one per cent, by the county superintendent, for collecting said tax, and should he fail at any time to pay over the same, as herein provided, he shall forfeit the sum of fifty dollars, and double damages, to be collected on his official bond

ARTICLE IV SCHOOL-DISTRICTS—ORGANIZATION—POWERS.

SECTION 1 Upon the formation of a new school-district, the county superintendent shall notify some qualified voter thereof, by written notice, describing the boundaries of the district, and also the time and place of the first meeting

SEC 2 Such qualified voter shall notify each elector in the district of the same, by personal service, as far as convenient, and shall post a notice at the place of meeting, and also in three other public places in the district, stating the boundaries of the district and the time and place of meeting, at least six days before the time of such meeting. All male citizens over the age of twenty-one years, who have resided for thirty days within such district, and who are liable to pay a school-tax therein, and none others, shall be deemed qualified electors at school-meetings held within such district. *Provided*, That after the first year of the organization of any such school district, no person shall be deemed a qualified elector at any such meeting, who being liable to pay a school-tax therein, in the year preceding, hath failed to pay the same

SEC. 3. The qualified electors of the district, when assembled in accordance with the notice required in the foregoing section, shall organize by appointing a president and secretary, who shall act as judges of the election, and the name of each elector shall be recorded by the secretary. They shall then, by ballot, elect one president, one secretary, and one treasurer, who shall constitute a board of directors for the district, and shall hold their offices until the next succeeding annual district election, and until their successors are elected and qualified

SEC 4. Said directors shall, within ten days after their election, appear before some justice of the peace, and take an oath for the faithful performance of their duties, and in case they fail to do so, they shall each forfeit the sum of twenty-five dollars, for the use of the school-district

SEC 5 Each school-district formed under the provisions of this chapter, is hereby declared to be a body corporate, by the name and style of School-District No —, in the county of —, and territory of Colorado, and in that name it may hold property and be a party to suits and contracts

SEC 6 The regular meeting of each school district shall be held on the first Monday of May and October of each year.

SEC 7. The qualified electors of the district when assembled shall have power: *First*, To appoint a chairman and secretary, in the absence of the regular officers *Second*, To adjourn from time to time, as occasion may require *Third*, To determine the number of schools which shall be established in the district, and the length of time that each shall be taught *Fourth*, To fix the site for each school-house, taking into consideration in doing so, the wants and necessities of the people of each portion of the district *Fifth*, To lay such tax on the taxable property of the district as the meeting shall deem sufficient, for any of the following purposes To supply any deficiency in the fund for the payment of teachers, to purchase or lease a suitable site for a school-house, or school-houses, to build, rent, or purchase a school-house or school-houses, and to keep in repair and furnish the same with the necessary fuel and appendages; for procuring libraries for the schools, books and stationery for the use of the board and district meetings, and to defray all other contingent expenses of the district *Sixth*, To direct the sale or other disposition to be made of any school-house, or the site thereof, and of such other property, real or personal, as may belong to the district; and to direct the manner in which the proceeds arising therefrom shall be applied. *Seventh*, To determine what branches of learning shall be taught in the schools of their districts. *Eighth*, To delegate any or all of the powers contained in the foregoing specifications to the district-board. *Ninth*, To fix the compensation of the secretary

and treasurer of the district, and to transact generally such business as may tend to promote the cause of education in accordance with the provisions of this chapter.

SEC. 8. In levying a tax, the district meeting shall designate the respective objects for which the same is raised, and the amount to be raised for each object, and the aggregate amount shall be assessed and collected by the secretary, as herein provided.

SEC. 9 They may adopt such rules of order, not incompatible with the provisions of this chapter, and instructions of the superintendent of public instruction, for the government of district meetings, and may alter and change the same from time to time, as occasion may require; and may prescribe the manner of taking the sense of the meeting upon any question. *Provided*, That the last specification shall not apply to the selection of officers.

SEC. 10 In all cases when there are moneys belonging to the school-house fund, remaining in the hands of the district treasurer of any school-district, and the board of directors thereof are satisfied that such moneys are not required to build a school-house, or school-houses, in said district, or repair or furnish the same, such moneys may be transferred and accredited to the teachers' fund, and applied to the payment of teachers.

SEC 11. There shall be elected in each organized school-district, at the regular district meeting on the first Monday in May of each year, one president, one secretary, and one treasurer of the district, who together shall constitute a board of directors for the district, and shall hold their offices for one year, and until their successors are elected and qualified. If for any cause the annual election should not be held at the regular meeting, a special meeting for that purpose may be held.

SEC. 12. Said directors shall qualify, in the manner prescribed in the preceding article for directors elected upon the formation of a new school-district; and in case they neglect or refuse so to do, they shall be subject to the same penalty.

SEC 13 The board of directors may hold such regular, special, or adjourned meetings, as they may from time to time determine.

SEC 14. The district board shall make all contracts, purchases, payments and sales, necessary to carry out every vote of the district, for procuring any site for a school-house, renting, repairing, or furnishing the same, and disposing thereof, or for keeping a school therein, and performing such other duties as may be delegated to them by the district meeting.

SEC. 15. They may, with the concurrence of the board of directors of an adjoining district or districts, admit pupils from either of said districts to a school within their own district; but

said pupils shall be enumerated in their respective districts, and the portion of the school-money to which they may be entitled by said enumeration shall be applied to the support of said school. The parents or guardians of said pupils shall pay such portion of the contingent expenses, and the amount to be contributed by voluntary subscription for the support of said school, as the board may deem equitable.

SEC. 16. The district board shall require the secretary and treasurer each to give bond to the district, in such penalties and with such securities as, in their opinion, will secure the district against any loss, conditioned for the faithful application of all moneys which may come into their hands by virtue of their respective offices; said penalty may be increased, from time to time, as the interest of the district may require. The bond shall be filed with the president of the board, and in case of a breach of the condition thereof, he shall bring suit thereon in the name of the district.

SEC. 17. In each organized district, they shall act as judges of all district elections.

SEC. 18. They shall, from time to time, examine the books and accounts of the treasurer, and make settlement with him; and shall, at each regular meeting of the district, present to the same a full statement of the receipts and expenditures of the district, and such other matters as may be deemed important.

SEC. 19. They shall appoint a committee from their own body to visit the respective schools of the district, monthly, and to aid the teachers in establishing and enforcing rules for the government of schools, and see that the teachers keep a correct list of the pupils, the time during which they attend school, the branches of learning which each is studying, and such other matters as may, in the opinion of the board, tend to promote the welfare of the school.

SEC. 20. They shall audit and allow all just claims against the district, and the president shall draw an order for all demands thus audited, on the district treasurer.

SEC. 21. They shall, upon the written request of five legal voters of the district, or whenever they deem it expedient, call special meetings thereof; but in all such cases, the notice of such meeting shall clearly state the precise object for which it is called, and the time and place at which it is to be held.

SEC. 22. Should a vacancy occur in the board, they may fill the same by appointment, unless it is deemed expedient to call a special meeting of the district for the purpose.

SEC. 23. The county superintendent and district board of directors may determine whether a school of a higher grade shall be established in the district, the number of teachers to be employed, and the course of instruction to be pursued therein, and

the board may erect for the purpose, one or more permanent school-houses, and shall cause such classification of the pupils thereof as they may deem necessary, but in selecting the site for such school-house or school-houses, the permanent interest and future welfare of the people of the entire district shall be consulted.

SEC. 24. Where there are twenty-five or more German children within any school-district, the board of directors, with the approval of the county superintendent of schools, shall establish a school wherein both the German and English languages shall be taught.

SEC. 25. Where there are fifteen or more colored children in any school-district, the board of directors thereof, with the approval of the county superintendent of schools, may provide a separate school for the instruction of such colored children.

SEC. 26. The district board shall employ all teachers necessary for the schools of the district, and pay them by draft on the treasurer, but they must not overdraw the amount due from teachers' fund; and when there are not sufficient funds in the hands of the treasurer for the payment of such teachers, the balance shall be paid by the persons sending pupils, in such manner as may be agreed upon by the teachers and the district board.

ARTICLE V. DISTRICT OFFICERS—THEIR DUTIES.

SECTION 1. The president, when present, shall preside at all meetings of the board and of the district, sign all warrants for the collection of taxes, all orders on the treasury for the payment of money, and shall draw all drafts upon the county superintendent for money apportioned to his district.

SEC. 2. All drafts and orders drawn on the district treasurer, as required in the foregoing section, shall specify the fund on which they are drawn, and the use for which the money is designed, and shall be countersigned by the district secretary.

SEC. 3. The president shall appear in behalf of his district, in all suits brought by or against the same; but when he is individually a party, this duty shall be performed by the secretary.

SEC. 4. The secretary shall record all proceedings of the board, and of the district meetings, in separate books, to be kept for that purpose; shall preserve copies of all reports made to the county superintendent; shall file all papers transmitted to him by other school officers, pertaining to the business of the district; and shall countersign all drafts, warrants, and orders, drawn by the president.

SEC. 5. He shall, between the first and fifteenth days of Sep-

tember, of each year, take and keep and record a list of the names of all persons in the district, between the ages of five and twenty-one years, and shall deliver a copy of the same to the principal teacher of each school in the district.

SEC. 6. He shall keep an accurate account of all the expenses incurred by the district, and shall present the same to the district board, to be audited and paid, as herein provided, out of the school-house fund.

SEC. 7. He shall give ten days' previous notice of all regular and special meetings of the district, as herein authorized, by posting up a written notice in three different places therein; and shall furnish a copy of the same to the teachers of each school in the district, to be read once in the presence of the pupils thereof.

SEC. 8. The district secretary shall, on the first Monday of February, in each year, submit a report to the county superintendent, for the year past then ending, of the number of schools taught in such district, the number of scholars attending said schools, the number of days each scholar attended the same, and the aggregate number of days of attendance of said schools, respectively, as certified by the teachers of the several schools of such district.

SEC. 9. On the first day of October of each year, he shall make out and file in the office of the county superintendent a report of the affairs of the district, containing: *First*, The number of persons between the ages of five and twenty-one years. *Second*, The number of schools, and the branches taught in each. *Third*, The number of pupils in each school. *Fourth*, The number of teachers employed in each school, and the average compensation of each per month. *Fifth*, The number of days the school has been taught, and by whom. *Sixth*, The average cost of tuition for a pupil per month in each school. *Seventh*, Books used in each school. *Eighth*, The number of volumes in the library of each school. *Ninth*, The aggregate amount paid teachers during the year, the source from which the same was received, and the amount of the teachers' fund in the hands of the treasurer. *Tenth*, The number of district school-houses, and the cost of each. *Eleventh*, The amount raised in the district by tax for the erection of school-houses, and for all other purposes authorized in this chapter, and such other information as he may deem useful.

SEC. 10. Should secretary fail to file his reports as above directed, he shall forfeit the sum of twenty-five dollars, and shall be liable to make good all loss resulting to the district from such failure; suit to be brought in both cases by the president, in the name of the district, on his official bond.

SEC. 11. The treasurer shall have the custody of all moneys

belonging to the district, and shall pay out the same, upon the order of the president, countersigned by the secretary, and shall keep an account of the receipts and expenditures thereof, in a book provided for that purpose.

SEC. 12. The moneys for the payment of teachers shall be called the "teachers' fund," and that for school-houses and district expenses, the "school-house fund;" and the treasurer shall keep distinct and separate accounts with them, and no warrant for money shall be paid by the treasurer which does not specify the fund on which it is drawn, and the specific use to which it is to be applied. The school-house fund shall consist only of taxes collected in the district; and all other school-moneys belonging to the district shall go to the teachers' fund, and shall be applied to no other use except to pay the wages of school-teachers in the district.

SEC. 13. The treasurer shall apply for and receive all money apportioned to the district by the county superintendent when notified of said apportionment.

SEC. 14. He shall render a statement of the finances of the district, as shown by the records of his office, at any time when required by the district board.

ARTICLE VI. COLLECTION OF TAXES.

SECTION 1. Whenever a tax has been voted by the district, the secretary shall obtain a transcript of the last assessment-roll of the county, and shall add thereto any taxable property therein omitted, having himself assessed the value thereof; and shall post up a list of the names of the persons taxed, at three or more places in the district, with the amount due from each set opposite their respective names, so far as their names may be known, at least thirty days previous to his proceeding to collect the tax.

SEC. 2. Whenever any school-district tax has been voted at any meeting of such district, it shall not be lawful, after the posting of the assessment-lists of property whereon such tax is to be levied, to reconsider the question of the levy of such tax.

SEC. 3. Should any one, when called on, neglect or refuse to pay such tax, the secretary shall proceed to collect the same by distress, and sale of goods and chattels, found within the district, having first posted up at least ten days' previous notice of such sale, in three of the most public places in the district.

SEC. 4. When the owner of any claim or claims on lands fails to pay the tax thereon, such failure shall be reported by the secretary to the county collector of taxes, in time for the same steps to be taken by such collector, as are prescribed for the sale of claims for delinquent county taxes, for the same year;

the claim shall be sold, in like manner and with the same consequences, as though sold for delinquent county taxes; and if, for any cause, they are not then sold at the proper time, they may be sold the following or any subsequent year, in the same manner and with the same consequences as above contemplated.

SEC. 5. The amount of tax collected by the county collector, in accordance with the provisions of the foregoing section, shall be held by him, subject to the order of the president of the proper district, and shall be paid over accordingly.

ARTICLE VII. MISCELLANEOUS PROVISIONS.

SECTION 1. In all cases where the alteration of school-districts, as provided in this chapter, gives rise to controversy respecting the adjustment of the rights and liabilities of the districts affected, upon which they cannot agree amicably, the matter shall be settled by arbitrators appointed by the county superintendent.

SEC. 2. In all cases where suits may be instituted by or against any of the school officers, contemplated or created by this chapter, to enforce any of the provisions herein contained, counsel may be employed if necessary, by the officer instituting the suit; and the expense of suit shall be borne by the district, county, or territory, in whose name or against whom the same may be instituted.

SEC. 3. All fines, penalties and forfeitures provided by this chapter, may be recovered by action of debt, in the name of the people of the territory of Colorado, for the use of the proper school-district or county, and shall, when they accrue, belong to the respective districts or counties in which the same may be incurred; and the district treasurers for their districts, and the county commissioners of their counties, are hereby authorized to receive and apply the proceeds of such forfeitures as the interest of the permanent fund is now or may hereafter be applied.

SEC. 4. The clear proceeds of all fines collected within the several counties of this territory for breaches of the penal laws, and all funds arising from the sale of water-crafts, lost goods and estrays, shall be paid over in cash, by the person collecting the same, within twenty days of the collection, to the county superintendent of the county in which the same have accrued, and shall be by him apportioned to school-districts, as provided in this chapter.

SEC. 5. Any officer or person collecting or receiving any such fines, forfeitures, or other moneys, and refusing and failing to pay over the same as required by law, shall forfeit double the

amount so withheld, and interest thereon at the rate of five per cent. per month, during the time of so withholding the same.

SEC. 6. All funds arising from a branch of the penal laws shall be kept and apportioned separate and apart from all other school-funds.

SEC. 7. Each and every officer created by the provisions of this chapter, who shall receive, by virtue of his office, any books or papers, and shall refuse to deliver the same to his successor in office, or shall wilfully mutilate or destroy the same, or any part thereof, shall be liable to a fine of not less than fifty nor more than three hundred dollars, to be recovered, with damages, on their respective official bonds.

SEC. 8. Every county superintendent of common-schools in this territory shall be allowed five dollars per day, out of the county treasury of his county, for the time actually spent in the performance of his duties, in addition to other expenses incurred in purchasing books, stationery, &c., necessary to said office; an account of which shall be made out by him quarterly and signed and sworn to, and laid before the county commissioners at their regular meetings, who, after examining the same, if found correct, shall issue, on the county treasury, warrants for the amount due.

SEC. 9. Every teacher of common-schools, employed under the provisions of this chapter, shall keep a schedule of the names of all the scholars attending such school, the number of days each scholar attends, and the aggregate number of days of attendance at such school, with a certificate attached thereto, that said schedule is in all its specifications true and correct; which schedule and certificate he shall deposit with the district secretary, at the expiration of the term of said school.

An act to provide for the Printing of the Common-School Law.

[Approved January 10, 1868.]

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 10. (I.) That the secretary of the territory be and is hereby authorized to cause five hundred copies of the common-school law printed in pamphlet form.

SEC. 11. (II.) That on the publication of the law, as provided in section one of this act, it shall be the duty of the superintendent of common-schools to forward to the county superintendent of each county, one copy for each district in said county.

SEC. 12. (III.) That the sum of two hundred dollars be appropriated out of any funds not otherwise appropriated, to pay for the printing of the common-school law, or so much thereof as may be necessary.

SEC. 13. (IV.) The common-school law shall take effect and be in force from and after its publication as herein provided for.

Prior Statutes Repealed. An act to establish the Common-School System Approved November 7, 1861. Laws 1861, p. 154.

An act to legalize the acts of the Superintendent of Common-Schools, and to provide for Filling Vacancies in said Office Approved March 10, 1864. Laws 1864, p. 132.

An act to amend an act entitled An act to establish the Common-School System. Approved February 10, 1865. Laws 1865, p. 101.

An act to amend an act entitled An act to establish the Common-School System Approved January 10, A. D. 1867. Laws 1867, p. 85

An act to create a Fund for the Benefit of Schools

Be it enacted by the Council and House of Representatives of Colorado Territory.

SECTION 1. That hereafter, when any new mineral lode, of either gold-bearing quartz, silver, or other valuable metal, shall be discovered in this territory, one claim of one hundred feet in length on such lode, shall be set apart and held in perpetuity for the use and benefit of schools in this territory, subject to the control of the legislative assembly.

SEC. 2. It shall be the duty of any person or persons making such discovery to leave vacant, claim number three, on such lode, in the direction from the discovery which he or they may designate, and inform the recorder of the county in which such lode may be situated, who shall record the same free of charge, "for the benefit of schools."

SEC. 3. If the person or persons making such discovery neglect or refuse to designate the direction of such claim, the recorder shall record the same as in his discretion he may think proper.

SEC. 4. The recorder of the county shall, upon such record being made, deliver to the county superintendent of common-schools a certificate of record, in the same manner as to individuals in like cases.

SEC. 5. The county superintendent of common-schools shall have the supervision and control of all claims so taken, and shall annually report the number of such claims, and on what lodes they are situated, to the territorial superintendent of schools, whose duty it shall be to recommend to the legislative assembly such regulations as he may deem necessary for renting or working the same.

Approved August 15, 1862. Laws 1862, p. 95.

An act supplemental to an act entitled An act to create a Fund for the benefit of Schools Approved August 15, A. D. 1862.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That all persons who have heretofore pre-empted upon the records of any county in this territory, or jumped or trespassed upon, or illegally attacked, or interfered with the title to any claims set apart and duly recorded for the benefit of schools, under and by virtue of an act, to which this act is supplementary, entitled An act to create a fund for the benefit of schools, approved August 15, 1862, who shall not have relinquished upon the records of the county in which said claim or claims are situated, all assumed or pretended right, title and interest in and to the same, and who shall not have surrendered the possession thereof on or before the first day of June, A. D. 1866, and all persons who shall hereafter pre-empt, jump, or otherwise trespass upon, or illegally attack or interfere with the title to any such mining claim or claims, shall be deemed and held guilty of misdemeanor, and shall be proceeded against by an indictment to be found by the grand jury of the county in which the offence may be committed, and upon conviction of said misdemeanor, shall be fined in a sum not less than fifty dollars, nor more than ten thousand dollars, and shall also be subject to a civil action for damages, as hereinafter set forth. The vendees and lessees of all persons guilty of the acts herein denominated misdemeanors, claiming to hold any such claim or claims, by or through such person or persons so guilty of a misdemeanor or misdemeanors as aforesaid, shall be held amenable to all the provisions of this act, applicable to the person or persons guilty of the misdemeanor or misdemeanors as aforesaid, and may be proceeded against in the same manner and with like effect.

SEC. 2. That the county superintendents of schools in each and every county of the territory where mineral lodes of gold-bearing quartz, silver, or other valuable metal have been, or may hereafter be found, are, in addition to the powers given here, and duties imposed on them by an act entitled An act to create a fund for the benefit of schools, approved August 15, A. D. 1862, empowered, authorized and required to do and perform the matter and things hereinafter set forth.

SEC. 3. Said county superintendents of schools shall, in their respective counties, carefully inquire into the condition of the school-claims mentioned in the act to which this act is supplemental, and whether the same have been pre-empted by individuals on the record, jumped or trespassed upon, or the title to said claims illegally attacked or interfered with; and if any such school-claims have been pre-empted by any person or persons, on the record of any county in which said claim or claims may lie, or the same has been jumped or trespassed upon, or the title thereto illegally attacked or interfered with, and the person or persons so pre-

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empting, jumping, trespassing upon, attacking or in any way interfering with said claims as aforesaid, shall not, on or before the first day of June, A. D. 1866, relinquish upon the record of the county in which said acts may be done, and surrender the possession thereof, also all assumed or pretended right, title and interest to any such school-claims as should or do belong to the school-fund by virtue of the act to which this act is supplemental; and further, if in the future any such school-claim or claims shall be pre-empted, jumped or trespassed upon, or the title of the same illegally attacked, or trespassed with, by any person or persons, then in every such case the aforesaid county superintendents of schools, in their respective counties, are hereby authorized and required to present to the grand jurors of their respective counties, for indictment, the person or persons so offending, and shall also proceed in their official character and name, to the use and for the benefit of the schools of said territory, against such person or persons, in an action of trespass, or of case, as may be deemed most suitable, for all loss and damage that may have been sustained. And if in any such civil action the issues are found against the defendant or defendants, and damages are assessed by the jury, the court shall, in all such cases, render judgment against such defendant or defendants for three times the amount of damages so assessed.

SEC. 4. The county superintendent of schools in each of the counties mentioned in the second section of this act, shall annually present to the board of county commissioners of their respective counties, and at their first meeting after the general election, a schedule of all the claims so set apart, not previously rendered, as aforesaid, for the benefit of schools, and upon the recommendation of the county superintendents of schools, the county commissioners shall fix the price or sum of money for which each of the said claims may be sold or leased, and upon the fixing of the several amounts for which said claims may be sold or leased as aforesaid, the said county superintendents of schools, shall, in their respective counties, proceed as county superintendents of schools, having the superintendence and control of said claims, to sell or lease as the case may be: *Provided, however,* That the term of the lease shall not exceed six years without renewal; and further, it shall be the duty of the county superintendents of schools, in the execution of each and every lease, to take good personal securities from each of the lessees, for the faithful payment of the sums mentioned in the lease, said amount to be paid semi-annually. And further, should a sale at any time be made of any of the aforesaid school-claims, the county superintendents of schools, in the respective counties in which said claim or claims are located, are hereby authorized and empowered to make the transfer, by signing the deed in their official capacity, and said transfer so executed, shall constitute a true and valid deed.

SEC. 5. Each county superintendent of schools, before leasing or selling any of the school-claims aforesaid, shall enter into a bond to the territory of Colorado, the penalty thereof to be fixed and approved by the board of county commissioners of his county, conditioned that the said county superintendent of schools shall faithfully comply with the provisions of this act, collect, and after such collections, preserve the money accruing from the civil actions aforesaid, and the sale of claims or leases aforesaid, until the same is appropriated by the proper authority, or his term of office expires, and upon such appropriation or the expiration of his term of office, shall promptly pay over such money so appropriated, and the residue thereof, if any, to his successor in office, and vouchers for all sums of money paid out by any such county superintendent of schools under and by this act, shall be credited to said county superintendent of schools as so much cash. He shall also be credited with the amount of his compensation, hereinafter specified.

SEC. 6. To carry out the provisions of this act, the several county superintendents of schools aforesaid, are authorized to employ at a just and equitable compensation, one or more attorneys, not to exceed three, to conduct all suits in court accruing out of or under the provisions of this act; and said attorneys shall be paid out of the territorial school-fund, upon the presentation to the proper officer of a certificate from the county superintendent of schools who employed them, or the successor of such county superintendent, that the sum claimed by said attorney is justly due.

SEC. 7. The several county superintendents of schools aforesaid, shall each of them receive as a compensation for the services in the matter aforesaid, for each year's services, ten per cent. on all sums collected or received by them from the fines, leases, or damages for trespass as aforesaid: *Provided, however,* The compensation accruing therefrom, does not exceed \$3,000, in case of which the overplus shall accrue to the general school-fund.

SEC. 8. Nothing in this act shall be so construed as to prevent the filing and prosecution of suits in the nature of information in chancery, brought by the proper authority, to secure and protect said claims, nor shall this act in anywise invalidate or affect suits already brought by information or otherwise.

SEC. 9. Every county recorder who shall wilfully neglect or refuse to record any claim set apart for school purposes, as provided by law, or who shall record a jumper's so-called pre-emption, shall be subject to a fine of not less than five hundred dollars, nor more than five thousand dollars, such fine to go to the school-fund.

SEC. 10. Any conveyance or sale of school-claims, except as provided in the foregoing sections, shall be unlawful, and therefore null and void.

SEC. 11. This act to take effect and be in force from and after its passage.

Approved January 23, A. D. 1866. Laws 1866, p. 73.

An act supplemental to an act entitled An act supplemental to an act entitled An act to create a Fund for the benefit of Schools, approved August 15, 1862, approved January 23, 1866, and to amend the same.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. The county superintendents shall pay over to the territorial treasurer all funds arising from the sale or lease of mining-claims, under an act to which this is supplemental, who shall invest the same in United States bonds for the use of the school-fund, the interest arising therefrom to be paid by the treasurer to the county superintendents of the several counties, as hereinafter provided.

Sec. 2. The superintendent of public instruction shall make an equal distribution of the school-funds among the several counties, on the first Monday in March, according to the aggregate number of the days' attendance in the several counties, as reported by the county superintendent of each county, who shall make report of the same, at least two weeks before the first Monday in March, in each year, to the superintendent of public instruction.

Sec. 3. The district secretary shall, on the first Monday of February, in each year, submit a report to the county superintendent for the year past, then ending, of the number of schools taught in such district, the number of scholars attending said schools, the number of days each scholar attended the same, and the aggregate number of days of attendance of said schools, respectively, as certified by the teachers of the several schools of such district.

Sec. 4. Every teacher of common-schools, employed under the provisions of An act to establish the common-school system, shall keep a schedule of the names of all the scholars attending such school, the number of days each scholar attends, and the aggregate number of days of attendance at such school, with a certificate attached thereto, that said schedule is in all its specifications true and correct, which schedule and certificate he shall deposit with the district secretary, at the expiration of the term of said school.

Sec. 5. That section five of an act to which this act is supplemental, be amended by striking out all the words between the word "same," in the seventh line of said section, and the word "and," being the third word from the end of the tenth line, in said section, and insert the words "shall be invested by the proper authority in United States bonds," in lieu thereof.

Sec. 6. The treasurer shall keep a separate list of all colored persons in the district, between the ages of five and twenty-one years, according to the provisions of the act to which this act is supplemental, and shall report the same to the president, who shall issue warrants on the treasurer in favor of such colored persons, *pro rata*, for educational purposes.

Sec. 7. That section four of an act supplemental to an act entitled An act to create a fund for the benefit of schools, approved January 23, A. D. 1866, shall be, and the same is hereby amended by adding thereto the following: *Provided, That the superintendent of public instruction shall first approve such transfer or conveyance.*

Sec. 8. That section thirteen of an act entitled An act concerning mines and minerals, passed at the present session of the legislative assembly, shall be amended by adding thereto the following: *Provided, That such transfer or conveyance shall first be approved by the territorial treasurer.*

Sec. 9. This act to take effect and be in force from and after its passage.

Approved February 9, A. D. 1866. Laws 1866, p. 82.

An act to amend an act supplemental to An act to create a Fund for the benefit of Schools, approved January 23, 1866, and an act supplemental thereto, and for other purposes.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That in all cases where school-claims have been heretofore appraised by two commissioners of the county wherein such claims are situated, that said appraisements be and the same are hereby declared as legal and as valid as if such claims had been appraised by all of the county commissioners, whether the same were appraised at the first annual meeting of such commissioners, or at any other time or place.

Sec. 2. That it shall be lawful for any two of the county commissioners to appraise school-claims, at any time when requested so to do by the county superintendent of schools.

Sec. 3. That section seven of the act approved January 23, 1866, entitled An act supplemental to an act entitled An act to create a fund for the benefit of schools, be amended by inserting after the word "leases," in the fifth line, the words "sales of school-claims," and in the eighth line of said section, by striking out "\$3,000," and inserting "\$1,000."

Sec. 4. This act shall apply to the compensation of all school superintendents who have been duly commissioned and sworn prior to the passage of this act.

Sec. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 10, A. D. 1867. Laws 1867, p. 26.